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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

O.E.,

                    Plaintiff(s),

        v.

HPT TRS IHG-2 INC., et al.,

                    Defendant(s).

CASE NO. C23-1748-KKE

ORDER DENYING MOTION FOR
RECONSIDERATION

The Court denied a motion to sever filed by Defendants HPT TRS IHG-2 Inc. and Sonesta International Hotels Corporation (collectively "the Sonesta Defendants"), finding that Plaintiff's jury demand was timely and that severance was not warranted. Dkt. No. 57. The Sonesta Defendants filed a motion for reconsideration, arguing that the Court erred in excusing Plaintiff's failure to file a timely jury demand. Dkt. No. 60.

"Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." Local Rules W.D. Wash. LCR 7(h)(1).

> A motion for reconsideration should not be used to ask a court to rethink what the court had already thought through—rightly or wrongly. *Defs. of Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995). Mere disagreement with a previous order is an insufficient basis for reconsideration, and reconsideration may not be based on evidence and legal arguments that could have been presented at the time of the challenged decision. *Haw. Stevedores, Inc. v. HT & T Co.*, 363 F. Supp.

ORDER DENYING MOTION FOR RECONSIDERATION - 1

1   2d 1253, 1269 (D. Haw. 2005). "Whether or not to grant reconsideration is
2   committed to the sound discretion of the court." *Navajo Nation v. Confederated Tribes & Bands of the Yakima Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

3   *Nelson v. Thurston County*, No. C18-5184 RBL, 2019 WL 1489134, at *1 (W.D. Wash. Apr. 3,
4   2019).

5   Here, the Sonesta Defendants' motion for reconsideration mischaracterizes the Court's

6   prior order as excusing Plaintiff's jury demand waiver. Dkt. No. 60 at 3. The Sonesta Defendants

7   point to authority affording a court only narrow discretion to waive a plaintiff's failure to make a

8   timely jury demand, and argue that under the circumstances of this case, such discretion is not

9   available. *Id*. But this authority is inapposite to the Court's finding that Plaintiff's jury demand

10   in May 2024 was timely and effective as to all claims in the action. *See* Dkt. No. 57 at 5. The

11   Court did not excuse Plaintiff's waiver because the Court did not find that Plaintiff waived her

12   right to demand a jury trial. Instead, the Court found that Plaintiff's jury demand was effective as

13   to all claims in the complaint, even though Plaintiff could have filed a jury demand sooner and/or

14   should have responded to the Court's invitation to clarify her position on the issue. *Id*. The Sonesta

15   Defendants do not acknowledge the authority cited in the Court's order regarding the efficacy of

16   the jury demand or show that the Court committed manifest error in relying on it. *See id*. (citing

17   *SEC v. Path America, LLC*, No. C15-1350JLR, 2016 WL 11683755, at *3–4 (W.D. Wash. Feb.

18   26, 2016)).

19   Furthermore, although the Sonesta Defendants argue that the Court erroneously required

20   them to show that prejudice would result if the Court excused Plaintiff's jury demand waiver (Dkt.

21   No. 60 at 4–5), the Court's order addresses the prejudice that would result if the claims were not

22   severed, because, again, the Court did not excuse a jury demand waiver. *See* Dkt. No. 57 at 6–7.

23   Because the Sonesta Defendants have not shown that the Court erred in finding that

24   Plaintiff's jury demand was timely and applied to all claims, the Sonesta Defendants have not

ORDER DENYING MOTION FOR RECONSIDERATION - 2

established that the Court's order contains manifest error as alleged in the motion for reconsideration.

Accordingly, the Court DENIES the Sonesta Defendants' motion for reconsideration. Dkt. No. 60.

Dated this 21st day of May, 2025.

Kymberly K. Evanson
United States District Judge